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PTO/SB/61 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)		Docket Number (Optional) 75-2
First Named Inventor: <u>Jeffrey Lynn Chamberlain</u>		Art Unit:
Application Number: <u>10/788,637</u>		Examiner:
Filed: <u>02/27/2004</u>		
Title: <u>Dog Watering Toy</u>		
Attention: Office of Petitions Mail Stop Petition Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.		
The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.		
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.		
NOTE: A grantable petition requires the following items:		
(1) Petition fee.		
(2) Reply and/or issue fee.		
(3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and		
(4) Adequate showing of the cause of unavoidable delay.		
1. Petition fee		
<input checked="" type="checkbox"/> Small entity - fee \$ <u>250.00</u> (37 CFR 1.17(l)). Applicant claims small entity status. See 37 CFR 1.27.		
<input type="checkbox"/> Other than small entity - fee \$ _____ (37 CFR 1.17(l)).		
2. Reply and/or fee		
No reply can be sent because the Notice to file Missing parts was never recieved and we have no idea what the missing parts are.		
A The reply and/or fee to the above-noted Office action in the form of _____ (identify the type of reply):		
<input type="checkbox"/> has been filed previously on _____		
<input type="checkbox"/> is enclosed herewith. Tell us what the missing parts are and we will be happy to provide them. We didn't get the Notice of Missing Parts.		
B The issue fee of \$ _____		
<input type="checkbox"/> has been filed previously on _____		
<input type="checkbox"/> is enclosed herewith.		

[Page 1 of 3]

This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Charles R Sutton

Signature

03/24/2005

Date

Charles R. Sutton

Typed or printed name

42,176

Registration Number, if applicable

14507 Sylvan St., Ste. 208

Address

818-640-4473

Telephone Number

Van Nuys, CA 91411

Address

Enclosure ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☐ _____

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

March 24, 2005

Date

Charles R Sutton

Signature

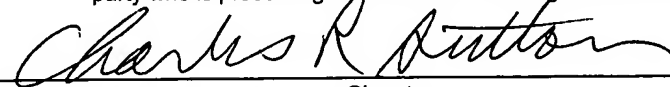
Charles R. Sutton Reg. No. 42,176

Typed or printed name of person signing certificate

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.



Charles R. Sutton Signature

March 24, 2005

42,176 Date

Typed or printed name

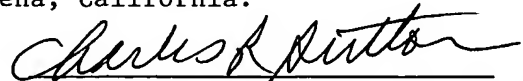
Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

I, Charles R. Sutton, declare:

I am the attorney of record in this application and my office address is the correspondence address of record on the application. I have never recieved the Notice to File Missing Parts that was allegedly mailed on 05/24/2004 at my office address or at any other address. I have no idea what the missing parts are and I therefore cannot reply to this notice that I have never received. Since I did not receive the document I do not know what happened to it or why I did not receive it. I believe that it would be an injustice to my client if his application is not revived. Since it is a divisional application the missing part would likely be easy to provide, if only I knew what the missing part is. I did not know the Notice to File Missing Parts was Allegedly sent until I received the February 11, 2005 Notice of Abandonment. I have sent this petition as soon thereafter as I could ascertain the facts and scrape together the petition fee. Since my client is not at fault in this matter I am not asking him for the fee. I wish I didn't have to pay for it, because I am also not responsible for the actions of the United States Postal Service or the United States Patent and Trademark Office. Please revive my client's application and send me another copy of the Notice to File Missing Parts so I can respond to it.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration is executed on March 24, 2005 at Pasadena, California.



Charles R. Sutton Reg. No. 42,176

Respectfully Submitted,



Charles R. Sutton Reg. No. 42,176

(Please attach additional sheets if additional space is needed.)